

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cr-199-MOC

UNITED STATES OF AMERICA,)
)
)
)
Vs.)
)
JONATHAN CRAIG OTUEL,)
)
)
Defendant.)

THIS MATTER is before the Court on Defendant's Motion to Dismiss or, Alternatively to Suppress, (Doc. No. 30), and on Defendant's Motion for Order to Show Cause and/or to Dismiss (Doc. No. 52). The Government has filed briefs opposing the motions, (Doc. Nos. 32, 53), and the Court held a hearing on the motions on June 21, 2023. The Court denied the motions at the hearing. This Order serves to memorialize the Court's denial of the motions.

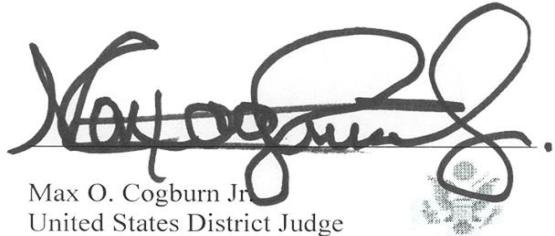
For the reasons stated in open court, the motion to suppress and motion to dismiss are **DENIED.¹** As the Court found in open Court, Defendant's due process rights were not violated because Defendant has not shown bad faith by the Government related to the inadvertent destruction of the evidence at issue in this case. Furthermore, the fact of the destroyed evidence goes to the weight, not the admissibility, of the evidence against Defendant.

ORDER

¹ As to Defendant's motion for an order to show cause, the motion has been rendered moot.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Dismiss or, Alternatively to Suppress, (Doc. No. 30), and Defendant's Motion for Order to Show Cause and/or to Dismiss (Doc. No. 52), are **DENIED**.

Signed: July 14, 2023



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint circular official seal.

Max O. Cogburn Jr.
United States District Judge